

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KERRY TURNER,

Plaintiff,

v.

RENO POLICE DEPARTMENT, et al.,

Defendants.

Case No. 3:23-cv-00221-ART-CSD

ORDER ON ECF Nos. 36, 41

Plaintiff Kerry Turner brings this action under 42 U.S.C. § 1983 against Defendants City of Reno, Detective Thomas Williams, and Detective Andrew Hernandez.

Before the Court are Plaintiff's motion to set trial date (ECF No. 36) and motion to address the Court (ECF No. 41). The Court will address each in turn. For the following reasons, the Court denies both motions, but orders copies of Defendant's motion to dismiss and motion to stay discovery sent to Defendant.

**I. Motion to set trial date (ECF No. 36)**

Plaintiff filed a motion to set a trial date for "a year from today" on November 22, 2024.

Under LR 26-1(b)(5), a joint pretrial order is due (unless the court orders otherwise) 30 days after the discovery cut-off date. If dispositive motions are filed (such as a motion to dismiss or a motion for summary judgment), the joint pretrial order is due 30 days after the Court issues a decision on the dispositive motion(s). When parties submit the joint pretrial order, the parties jointly offer three potential trial dates. See LR 16-4. The Court will then set a trial date.

Defendants filed a response, arguing that it would be inappropriate to set

1 a trial date until after the deadline to submit dispositive motions has passed or  
2 such dispositive motions have been ruled on. (ECF No. 3.)

3 The Court will deny Mr. Turner's request to set a trial date at present. There  
4 is currently a dispositive motion, Defendant's motion to dismiss, pending before  
5 the Court (ECF No. 29). The Court will set a trial date at the appropriate time  
6 after the deadline for dispositive motions has passed or dispositive motions have  
7 been ruled on, and the parties have submitted a joint pretrial order.

## 8 **II. Motion to address the Court (ECF No. 41)**

9 Plaintiff's motion to address the court asks to "address the court about  
10 defendant not sending me motion to throw case out of court" and states that he  
11 believes that defendants have his proper address.

12 According to the docket, at the time Defendants filed the motion to dismiss  
13 on November 13, 2024, Plaintiff's address on file was at Indian Springs  
14 Conservation Camp. Defendant's motion to dismiss indicates that it was served  
15 by U.S. Mail to this address. Plaintiff updated his address to Ely State Prison on  
16 November 22, 2024. It does not appear that Defendant intentionally served  
17 Plaintiff at the wrong address. However, the Court will order a copy of Defendant's  
18 motion to dismiss sent to Plaintiff's updated address. Pursuant to the Court's  
19 prior order granting Plaintiff's motion for extension of time, Plaintiff shall have  
20 until January 6, 2024, to respond to the Defendant's motion to dismiss. (ECF No.  
21 39.)

## 22 **III. CONCLUSION**


23 It is therefore ordered that Plaintiff's motion to set trial date (ECF No. 36)  
24 is DENIED.

25 It is further ordered that Defendant's motion to address the Court (ECF No.  
26 41) is DENIED.

27 It is further ordered that the Clerk is directed to SEND a copy of  
28 Defendant's motion to dismiss (ECF No. 29), as well as a copy of Defendant's

1 motion to stay discovery (ECF No. 35) to Kerry Turner, #1012722, via the Law  
2 Library at Ely State Prison.

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4 Dated this 12<sup>th</sup> day of December, 2024.

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8 ANNE R. TRAUM  
9 UNITED STATES DISTRICT JUDGE  
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